

Members

Rep. Michael Dvorak, Chairperson
Rep. Win Moses
Rep. Vernon Smith
Rep. Robert Alderman
Rep. Ralph Ayres
Rep. Eric Turner
Sen. Richard Bray, Vice-Chairperson
Sen. John Waterman
Sen. Charles Meeks
Sen. Anita Bowser
Sen. William Alexa
Sen. Cleo Washington



INTERIM STUDY COMMITTEE ON CRIMINAL JUSTICE ISSUES

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MEETING MINUTES¹

Meeting Date: August 25, 1999
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 128
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Michael Dvorak, Chairperson; Rep. Win Moses; Rep. Vernon Smith; Rep. Robert Alderman; Rep. Eric Turner; Sen. Charles Meeks; Sen. Anita Bowser; Sen. Cleo Washington.

Members Absent: Rep. Ralph Ayres; Sen. Richard Bray, Vice-Chairperson; Sen. John Waterman; Sen. William Alexa.

Representative Michael Dvorak, Chairperson of the Interim Study Committee on Criminal Justice Issues (Committee), called the meeting to order at 10:20 am.

Representative Dvorak stated that the Legislative Council charged the Committee with studying issues related to the incarceration of youthful offenders, particularly their separation from adult offenders while in custody (taken from SCR 31-1999 and SB 577-1999), issues related to educational programs available to youthful offenders while incarcerated (taken from SB 577-1999), issues related to Indiana sentencing policy (taken from HB 1770-1999), and child abuse issues, including the reporting of suspected child

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abuse, the role of law enforcement officers in child abuse cases, and the protective and family services available to victims of child abuse and their families (taken from SB 529-1999, SCR 48-1999, HR 30-1999, and SCR 6-1999).

Senator Charles Meeks stated that many people felt the required "sight and sound" separation of juveniles incarcerated in local jails amounted to an unfunded mandate imposed on local governments. He stated that there were many issues involving the incarceration of young people who are waived to adult courts and subsequently placed in local jails that the Committee should discuss.

Senator Meeks said that while there was good data pertaining to juveniles housed in Department of Correction (DOC) facilities, more data needed to be gathered from local jails concerning the housing and treatment of juvenile offenders. As an example, he stated he knew the DOC offered several educational opportunities for juveniles in DOC facilities but he was not certain what, if any, educational programs were offered in all the local facilities in Indiana where juvenile offenders are housed.

Representative Smith said that after working with young people in the Gary area for several years, he was concerned about growing criminal activity involving young people. He stated he had also talked with adult offenders who were concerned about the "attitude problems" of teenagers with which they were incarcerated. He said these adult offenders were also concerned about safety issues involving juvenile offenders housed with adult offenders. He added that, while the DOC was supposed to house juveniles in a separate environment away from adult offenders, he knew of a young man who had turned 16 while incarcerated with adult offenders at the DOC facility in Pendleton.

Senator Meeks stated that he felt it may be necessary to create and fund a "third tier" of the juvenile justice system that would provide an alternative to incarcerating juveniles in local jails or DOC facilities.

The next person to testify was Carole Davis, founder of Children Hostages in Life's Derangement (C.H.I.L.D.). Ms. Davis distributed information packets to Committee members entitled "The Forgotten Innocent" and "Child Maltreatment in Indiana/Failure of FSSA in Indiana" (Exhibit A).

Ms. Davis stated she had supported several bills and resolutions concerning child maltreatment in the 1999 session of the General Assembly, but they had all failed. She stated the Committee should audit the money and children involved in the fraudulent "welfare/judicial system" and prepare legislation that focused on measures to prevent child maltreatment.

Representative Dvorak stated that he felt Ms. Davis' issues did not fall within the issues the Legislative Council charged the Committee to study. He stated Ms. Davis should contact individual senators and representatives about introducing legislation during the 2000 session concerning these issues.

The next person to testify was Joann Williams from the DOC. She stated that she would be happy to supply the Committee with all DOC data concerning juveniles incarcerated in DOC facilities. She stated that, in general, if juveniles were housed in a facility that also contained adult offenders, the juveniles were kept in a "more secure setting" separate from adult offenders until the juveniles reached 18 years of age.

Senator Meeks stated that DOC data would still not provide any information on those juveniles who are never placed with the DOC and are housed instead in local jails.

The next person to testify was Roger Madden. Mr. Madden stated he was a former police

officer and member of "Fathers United for Visitation Enforcement." He stated that he felt the Committee should study the causes of juvenile crime and focus on preventing children from entering the criminal justice system. He said he agreed with Ms. Davis that legislation should be introduced to deal with prevention rather than intervention.

Representative Dvorak again stated that he felt those issues fell outside the areas the Committee was required study.

The next person to testify was Larry Landis, Executive Director of the Public Defender Council. Mr. Landis stated that the current sentence modification statute only allowed a sentencing judge to modify a sentence for up to one year after the sentence is imposed without the prosecutor's consent. He said that after one year, the prosecutor had to consent to any sentence modification. He said it was almost always a political liability for a prosecutor to agree to a sentence modification.

Mr. Landis said the sentence modification statute should be amended to allow a sentencing judge to modify a sentence at any time without the prosecutor's consent. He said that, while the prosecutor should be allowed input into the decision, the power to modify a sentence should be "squarely on the shoulders of the judge" where it belongs.

Mr. Landis also stated too many juveniles were being waived into the DOC adult system because there was no alternative "third tier" to deal with juvenile offenders as the Committee discussed earlier.

Senator Washington said he would be interested in changing this current one year sentence modification period to a three year period because it would give poor persons who can not afford their own attorneys more of an opportunity to receive a sentence modification. Senator Washington agreed that, while the prosecutor should always be given the opportunity to argue against a sentence modification, the current system favors prosecutors too much.

Mr. Landis stated that he would prefer that the statute not have a three year "ceiling," as suggested by Senator Washington, or any other "ceiling." He said that, since Indiana does not have a parole board with discretionary parole powers, the sentencing judge should always have the authority to modify any sentence that was imposed by the judge unless the judge is prohibited from modifying the sentence as a result of a plea agreement. However, he added that a three year "ceiling" would still be better than the current system.

The next person to testify was Tippecanoe County Sheriff David Murtaugh, President of the Indiana Sheriffs' Association. Sheriff Murtaugh stated that, in Tippecanoe County, juveniles that are arrested are kept in a room that is separated from adult offenders before they are transferred to a juvenile facility. He said that once a juvenile had been adjudicated a delinquent and sent to the jail, every attempt was made to separate the juvenile from the general population. He added that overcrowding at the jail made this separation difficult.

Sheriff Murtaugh stated he would try to collect data from members of the Indiana Sheriffs' Association concerning juveniles housed in local jails and forward it to the Committee. He also said DOC Jail Inspection Reports may contain some local jail data the Committee would want to examine.

In response to questions from Committee members, Sheriff Murtaugh stated Tippecanoe County has several educational and religious programs available for county jail inmates. He also said Tippecanoe County does have community corrections programs. However, he stated only 58 of the 92 counties in Indiana have community corrections programs and these programs vary from county to county.

Mr. Madden stated that the Evansville police department had just started a juvenile restoration program. He said he also knew of child support enforcement agencies that had started faith based restoration programs. He added that "maybe we screwed up" several years ago when prayer was taken out of public schools.

Representative Dvorak then stated the next Committee meeting would take place on Tuesday, September 28 at 10:00 am. He stated that the Committee would follow up on testimony presented at its first meeting and would discuss issues related to sentencing policy in Indiana.

Representative Dvorak also said the third, and probably final, 1999 Committee meeting would take place in late October. He said the Committee would discuss child abuse issues at that meeting and discuss and vote on proposed legislation and other recommendations the Committee wished to consider.

Representative Dvorak adjourned the meeting at 11:39 am.